

STATEMENT PURSUANT TO L.S.A. R.S. 42:1120

2079026

At the primary election held on September 30, 2006, the undersigned was elected mayor of the City of New Roads, Louisiana, and will take office on January 1, 2007.

I am presently an elected member of the city council of the City of New Roads serving a term of office from January 1, 2003 thru December 31, 2006.

Of the five members of the city council I am the only member who is elected "at large," elected city-wide, similar to the mayor.

The city of New Roads is governed by a legislative charter. Article 10 of the charter provides:

"The mayor and councilmembers shall receive for their services to the city required of them by law, salaries and expense allowances in sums to be fixed from time to time by ordinance by the city council. No increase or decrease in compensation shall become effective during the term of office in which such increase or decrease is approved."

An ordinance to increase the salary of the mayor to \$62,000.00 was adopted at the meeting of the city council which was held on December 27, 2006. This increase in the mayor's salary will become effective January 1, 2007.

The Louisiana Code of Governmental Ethics (R.S. 42:1112) provides that no public servant, except as provided in R.S. 42:1120, shall participate in a transaction in which he has a personal substantial economic interest of which he may be reasonably expected to know involving the governmental entity. Such law might be construed so as to require me to recuse myself from voting on an ordinance proposing a salary increase for the mayor. While I do not necessarily admit that the law requires my recusal on such an ordinance, I feel it necessary to submit this statement in satisfaction of R.S. 42:1120.

I feel that for the following reasons I was able to cast a vote on the adoption of the ordinance to increase in the salary of the Mayor of New Roads, which vote was fair, objective, and in the public interest:

The city charter (Article 12) requires that the mayor serve in a full-time capacity.

On January 1, 1992, the mayor's position became full time at a salary of \$32,000.00 annually. The mayor's salary was increased to \$35,600.00 annually on January 1, 1999 and has remained the same through this date.

The obligations of the mayor have greatly increased since the mayor's salary was last adjusted in the year 1999. The number of city employees has increased significantly since 1999.

The salary of the mayor has remained the same for a substantial period of time while the salaries of city employees have increased several times, some of which now significantly exceed that of the mayor.

An adjustment of the mayor's salary has been a topic of discussion for some time prior to the adoption of the ordinance to increase the salary.

There is a general consensus among city residents that the salary of the mayor should be commensurate with the salary of mayors of cities comparable in size to New Roads.

The following are salaries of mayors in two neighboring cities that are comparable in size to the City of New Roads:

The salary of the mayor of the City of Plaquemine is \$70,532.00

The salary of the mayor of the City of Port Allen is \$ 74,626.00

The city charter prohibits a salary increase to become effective during the term in which the increase is adopted. Therefore in order for an increase in the mayor's salary to become effective for the term beginning January 1, 2007, the increase must be adopted during my present term as council member. If not, it will be another four years before the mayor's salary can be adjusted to a fair sum.

The salary adjustment will not only apply to me but to any other person who is elected mayor in the future. Therefore, the salary adjustment should encourage more citizens to seek the office of mayor. In the last election only two people ran.

I was elected council member at large by all voters in the city. As such I feel I am aware of what the citizens of New Roads feel is fair compensation for the mayor. I have asked for the opinions of many citizens and considered their opinions when I voted for the adoption of the ordinance to increase the mayor's salary.

During my years on the city council, I have voted on various salary increases for city employees and have never voted against any fair adjustment. I used the same judgment when I voted for the adoption of the ordinance to adjust the mayor's salary.

The vote on the adoption of the ordinance (hereinafter referred to as "ordinance 2") to adjust the mayor's salary to \$62,000.00 to become effective January 1, 2007 was three (3) for (including mine) and two (2) against. Therefore, my vote was necessary for the adoption of said ordinance.

Although in favor of the salary, Mayor Sylvester Muckelroy could not vote for the

adoption of the ordinance. In all instances, except for ordinances, the mayor can vote to break a tie vote of the city council. However, Article 14 of the city charter states "No ordinance shall be adopted except by the affirmative vote of at least three (3) council members."

I would have voted for the adoption of the ordinance to increase the mayor's salary even if I had lost the mayor's race.

The two council members who voted against the adoption of the above ordinance both stated on the record that the mayor's salary should be increased and voted in favor of the ordinance described below.

The city council without my participation adopted another ordinance on December 27, 2006 which increases the district council members salary by 71.4 percent from \$8,400.00 to \$14,400.00 annually, the council member-at-large salary by 62.5 percent from \$9,600.00 to \$15,600.00 annually, and the mayor's salary by 61.5 percent from \$35,600.00 to \$57,500.00 annually to become effective on January 1, 2008 provided certain budgetary conditions are met.

The ordinance adopted with my participation increases the mayor salary by a 74.1 percent and becomes effective on January 1, 2007.

The ordinance adopted without my participation, among other things, increases the mayor salary by 61.5 percent and becomes effective on January 1, 2008.

See also Burgess vs. The City of Baton Rouge, et al, 2005 CA 2565 (La. App. 1st Cir.12/28/2006)

For the foregoing reasons, my vote for the adoption of the ordinance to increase the mayor's salary was fair, objective, and in the public interest.

Respectfully submitted:



Tommy Nelson

December 29, 2006

CERTIFICATE

I hereby certify the attached to be a true and correct copy of a statement which was filed in the official records of the City of New Roads in satisfaction of R.S. 42:1120 to the Louisiana Ethics Board dated December 8, 2006 and signed by Mr. Tommy Nelson, Mayor Pro Tem of the City of New Roads, Louisiana.

New Roads, Louisiana, this 29th day of December, 2006




Secretary-Treasurer